

## FEDERAL COURTS

And the Enormous Business That Comes Before Them.

### ATTORNEY GENERAL HARMON

Makes His Annual Report—States of Cases Before the United States Supreme Court. Needed Reforms in the Criminal Law. Weak Places in the Anti-Trust Law. Money Saved by Abolishing Fee System.

WASHINGTON, D. C., Dec. 10.—Attorney General Harmon in his annual report to Congress expresses his satisfaction at the results so far as obtained, of the new salary system, which displaced the old fee system on July 1 of the present year. The returns, he says, afford striking evidence of the wisdom of the course so long advocated, which removes the public service from some of the common temptations to extravagance and abuse. A very large reduction is shown in every one of the items which would naturally be effected by the fee system. The fees for United States marshals show a reduction for the year of about \$400,000 from those of the previous year.

Other reductions will be made approximately as follows: District attorneys, \$24,300; salaries and expenses of district attorneys, \$92,042. The report shows that although there was an increase during the year of fifty in the number of cases docketed by the United States supreme court, there was an increase of eighty-three in the number disposed of.

The dockets at the close of the last term show a decrease of 107 cases since the close of the preceding term. At the end of the October term, 1894, there remained undischarged on the appellate docket 610 cases, and upon the original docket seven cases, making a total of 617. The number of cases docketed at the October term, 1895, was 286, of which 282 were on the appellate and four on the original docket, making the total number of cases pending at that term 1,023, of which 1,021 were on the appellate and two on the original docket. Of this number 494 were disposed of during the October term, 1895, of which 489 were on the appellate and five on the original docket. The number of cases actually considered by the court was 374.

The attorney general points out two defects in the criminal law, to which the attention of Congress is invited. The first, he says, is the unnecessary and unfortunate confusion of our criminal legislation. Provisions are constantly enacted to meet special cases. The consequence is that it is often difficult to ascertain which of the two or more laws is applicable to the case at hand. Cases arise which ought to be covered by the law, but are not, and the same offense is visited with various degrees of punishment not determined by any difference in criminality, but merely by the fact that the various states relating to specific instances of the offense were drafted by different men and passed at different times. There is a general statute punishing embezzlement, but there are also many special statutes punishing embezzlement in particular cases, and I am not aware that it has yet been settled whether the general statute applies to such cases or not. There are statutes punishing frauds on the United States in many specific cases, and there is a general statute punishing conspiracy to defraud the United States in all cases, but there is no general statute punishing frauds against the United States when committed by one man alone.

I think that a new crimes act should be passed as speedily as possible, which should contain provisions simple, easily understood and general in their scope, covering such crimes as those above stated; that a uniform system of punishments should thus be provided, and that as to cases arising in the future the present laws relating to these crimes should be repeated. This work could be easily and quickly performed by a commission.

The increasing repugnance on the part of juries to inflict the death penalty, in connection with the fact that the laws makes no degree in murder constantly leads to the entire acquittal of persons charged with capital crimes, in cases where the facts proven not only warrant conviction for murder, but oblige the court to charge that they do not permit a conviction for mere manslaughter. This danger to society can be at least mitigated by the establishment by statute of different degrees of murder, with corresponding appropriate penalties of punishment. Juries will not then be confronted with the alternative of a verdict which carries the death penalty or a verdict of acquittal in cases where they think the accused guilty of the murder, but not deserving of the extreme punishment.

The second defect is the unfortunate results of the present law governing writs of error to the supreme court in criminal cases. Defendants in criminal cases are generally poor. It is hard for them to obtain counsel to defend them at home, but it is generally beyond their power to obtain counsel to argue their cases before the supreme court. While the criminal jurisdiction of that court is now so extensive as to take up a considerable part of the time spent by the justices in the study of records and briefs, yet the oral arguments of these cases are largely for the reason above stated, comparatively few. They are mainly confined to cases against the wealthier classes of defendants, such as smugglers and bank officers.

The cases of the United States against Rider and the United States against Heccker, the attorney general says, disclose another grave defect in our criminal procedure. The decisions are the statute permitting the supreme court to review questions of criminal law upon certificate of division of opinion between the circuit and district judges has been implicitly repealed. The court had previously held that there can be no writ of error on behalf of the United States in a criminal case. The consequence is that when a doubtful point arises in a criminal case there is no way in which it can be taken to the supreme court, except by resolving the doubt in the first instance against the prisoner, permitting a conviction, and casting upon him the burden and expense of prosecuting a writ of error. Formerly, when a question arose on demurrer or motion in arrest of judgment, the judges could certify difference of opinion. This certificate was submitted to the supreme court, which could thus in a cheap and expeditious manner dispose of the question. I think that the present state of the law is unfair both to the government and to defendants in criminal cases.

I recommend that the right to certify division of opinion in such cases be restored, or that a writ of error be allowed to the United States upon questions arising on demurrer or motion in arrest of judgment.

The attorney general says that last September complaint was made to him that certain cable telegraph companies which have, in other countries reached by them, a monopoly which would exclude all American companies were about to land a cable on the shores of Long Island. It was represented to me that such a cable would extend the line of telegraph from the exclusion of American companies above mentioned, to secure authority to land their cables, had resorted to the device of an American company with a small capital, organized and controlled by them, which was merely to lay its cable from our shore out beyond the line of jurisdiction, and thereby furnish a means of entrance to the foreign companies.

"Knowing that Congress, at its last session, had under consideration a bill to regulate the handling of foreign cables, and believing that the general sentiment favors the exclusion of com-

panies organized in countries which refuse like privileges to American companies, I deemed it my duty to direct a suit to be brought in the southern district of New York to enjoin the consummation of the plan above mentioned. My chief design was to afford Congress an opportunity to act upon the matter before this cable should be laid."

On the subject of the Pacific railway, the attorney general says that the report of Hon. George H. Bradley, special counsel for the United States, shows that there is no substantial change in the state of the litigation about the Union Pacific railway and its branches.

He continues: "I have grave doubts as to the ability of the government to preserve the present situation much longer. I am advised that an attempt will be made to enforce the government's appearance in the foreclosure case with a view of giving a complete title to the purchasers at the foreclosure. While I believe the position heretofore taken and still maintained for the government is the true one, namely, that its appearance cannot be compelled, it must be confessed that the contention of opposing counsel is at least debatable. While the title to the government cannot be used, with a view to recovery against it, it may properly be made a party to a suit in equity brought by the holders of bonds issued by its express consent upon property upon which it has itself reserved a lien."

As the only object of steadfastly keeping the government out of the case is to keep it from securing some favorable solution of the difficult problem presented by its ownership of a subordinate security upon property whose value is generally believed to be insufficient to pay in full any but the first mortgage liens, I think that, unless the pending funding bill be passed and accepted, the government should endeavor to secure terms for its appearance in court in the way of an assurance of such a bid on the property in case of judicial sale as will secure to it a fair realization of the value of its lien. If this be not done, and the government should be compelled to sue to protect its own interests or required to appear and set up its claim in the pending cases, the benefit of the position so long maintained must be largely lost."

On the subject of the anti-trust law the attorney general says: "The restricted scope of the provisions of this law, as they have been construed by the courts, especially in the case of United States vs. E. C. Knight company, makes amendments necessary if any effective action is expected. From this department, besides the fund at the disposal of the attorney general which can be applied to the investigation, preparation, and prosecution of cases under this law is wholly inadequate."

Many complaints have from time to time been made by private citizens and others against combinations in restraint of trade and commerce and of alleged monopolies. I have caused to be investigated, as well as the law and force at my command permitted, such of them as seemed likely to come within the scope of federal authority over inter-state trade and commerce, to which alone it extends. The only case, however, in which sufficient evidence was discovered to justify action was that of the joint traffic association of trunk line railways, against which a bill was filed by the United States, January 9, 1896, in the circuit court for the southern district of New York. Although the case was ably prepared and presented by Mr. Wallace MacFarlane, United States attorney for that district, under my supervision, the court, Judge Wheeler presiding, dismissed the bill, holding that the articles of agreement of the association were not in violation of the law. The case is now pending in the circuit court of appeals for the second circuit and will soon be argued. The case of United States vs. La Compagnie Francaise, etc., is also to some extent affected by this act.

The case of the United States vs. the Trans-Missouri Freight Association, consisting of eighteen railways west of the Missouri river, which was brought in the district of Kansas to enjoin a contract and combination among these companies to maintain rates of freight, was decided against the government in both the circuit court and the circuit court of appeals, one judge of the latter court dissenting. The case is now pending on appeal in the supreme court of the United States and will be argued about the time Congress assembles. The circuit court held in this case at the law in question does not apply to railways, chiefly on the ground that they are exclusively regulated by the interstate commerce act. The circuit court of appeals, without directly passing upon his question, held that the action of the railway companies was not a violation of the act of July 2, 1890. The claim that the act does not apply to railways is urged with confidence. In the briefs of counsel now on file in the supreme court. While I maintain the opposite view and feel confident of its correctness, the fact that such a question can be raised, and has already been raised successfully in one court, affords an instance of the indefinite nature of the terms of this law, which is a serious obstacle in the way of its prompt enforcement."

### STUDIES IN SOCIAL LIFE.

The Individual who Continually Struggles for Prominence.

There is a large class of well-known persons, generally a floating class, which may be designated by the name of the "shoddy smart" people, who constitute the frayed or ragged edge of fashionable society, says the New York Tribune. Just what this shoddiness, which is altogether different from shabbiness, consists in it is difficult to say.

The individuals composing this set are generally to be met at all large fashionable functions. Their names are in the social directory and are often mentioned in the newspapers. Both men and women dress extremely well. They are very up to date, are apt to be sporty and in a way are recognized by the really smart people; enough so, at all events, to impress outsiders with a respect for their position. All this they utilize to the fullest extent, talking of the people in such a manner as to lead new acquaintances to suppose that they are on intimate terms with "the hundred and fifty," and are, therefore, themselves very desirable people to know.

Why, then, are they shoddy? It might be asked. Well, in the first place, they are generally innumerable, and although poverty is no crime in the eye of the law, it is, more or less, in social ethics. That is to say, it is like skating on thin ice to skim over a gulf of debts and difficulties in which at any moment the luckless "shoddy smart" individual, who is apparently skimming so easily

### An Angel of Mercy.

Truly, the miraculous cures of rheumatism made by Salvation Oil, justly earned for it the title: an angel of mercy; for many bed-confined rheumatics have experienced the great curative properties of this modern liniment. "I used Salvation Oil for rheumatism and found it a sure cure. I used three bottles and am now perfectly well, and I would feel myself a benefactor if I could induce every person afflicted with rheumatism to try Salvation Oil." James H. Bryant, Debruhl, N. C. Salvation Oil is sold everywhere for 25 cents, but some dealers may say, "we are out of it," hoping to sell a cheap substitute instead. Insist on getting Salvation Oil, or go to some other dealer who will sell it to you.

over the surface, may be overwhelmed. This keeping up of appearances the world does not easily forgive.

Another class that is "shoddy smart" are those who have money and who desire to be fashionable, but who, somehow, have not had discretion in choosing their associates. These accept the plumbline claims of the first-mentioned division as pure gold, while the latter, in their turn, finding the opera boxes and dinners of their new friends most convenient, are delighted to become intimate with them. Cl-devant fashionables, too, with reputations more or less the worse for wear in various ways, are apt to drift into this debatable land and become its denizens.

It is funny sometimes to see the way good, respectable, quiet people are taken in by these pseudo-smart folk, believing that they are everything that is fashionable and desirable. In the summer these daws with peacock plumage often drift into quiet neighborhoods, where, by right of their apparent familiarity with the notabilities of the great world, they become for the time being autocrats of fashion, enjoying the cakes and ale of existence, as typified in the home-made entertainments given in their honor.

"And departing leave behind them Footprints on the sands of time" In the shape of sundry bills and unpleasant rumors from afar.

### AN OLD RESIDENT

Discusses Some Reminiscences and Opinions with Our Representative.

Seventeen Presidents have gone to their long home, since Mr. William W. Cline, of No. 109 Sixteenth street, opened his eyes on our planet. Eighty years, the best part of them spent in Wheeling, is a long time to look back upon and the recollections of the past recalled in a short interview held between that gentleman and our representative made the half hour very pleasant pastime. Amongst the many things discussed, the following cannot help being interesting to a great number of Wheeling people. "My general health," says Mr. Cline, "has been far from good for a number of years, but it is only during the last six or seven years that my kidneys have been a source of trouble to me. During that time I had had several severe hemorrhages from the kidneys and about three years ago I had quite a severe paralytic stroke. I suffered almost constantly from severe pains across the loins and a soreness and aching of the whole muscular system of the body, as might be expected the secretions from the kidneys were also a great source of trouble to me, being too frequent. Nothing I used seemed to give me any relief and when we saw such a favorable account of Doan's Kidney Pills appearing daily, Mrs. Cline thought they would possibly do me some good, so she got a box at the Logan Drug Company, and had me take them. I got the most gratifying results. Any remedy that gives me the amount of benefit they did considering my age and general health, must, indeed, be a good one. I feel confident in saying they will cure permanently any case of kidney trouble."

Doan's Kidney Pills are for sale by all dealers, price 50 cents; mailed by Foster-McIlburn Co., Buffalo, N. Y., sole agents for the United States.

### A REMEDY FOR FLESH WOUNDS.

Such as Cuts, Burns, Bruises, Scratches and the Bites of Animals, which are Common Things, but Always Painful and Often Dangerous.

And very few people escape their full share of such wounds. Indeed, cuts, burns and bruises are of almost weekly occurrence in nearly all families, for "accidents will happen," you know, and what's more, do happen, at home, on the farm and in the shop. Ordinarily, if inflammation is kept down, and the inflammation is kept, and the poison neutralized, the hurt heals quickly.

Lightning Hot Drops heals any kind of flesh wound, and it reduces the danger of blood poison to the minimum.

Relieves neuralgia, sciatica, rheumatism pains.

Sold by all druggists and dealers in medicine at 25c and 50c per bottle. No relief, No Pay.

In cases where the pain is severe, or the loss of blood has induced faintness, a dose or two of Lightning Hot Drops taken internally will be found of great service. Made only by Herb Medicine Co., Springfield, Ohio, 50c size contains 24 times as much as 25c size.

### Says It Is So.

Thomas Noonan, General Manager of the Central States Dispatch and Continental Freight Line, both of which are based over the Baltimore & Ohio in conversation with an Indianapolis Journal man said, that there is no question as to Oscar Murray, receiver of the Baltimore & Ohio, telling the truth when he said that their large increase of business is not the result of cutting rates. Mr. Noonan said that since Mr. Murray took control of the Baltimore & Ohio, he has put fifty new solicitors in the field in all sections where the road could be benefited by their work. These are all active, earnest men, and the older soliciting agents have been given to understand that if they expect to hold their employment, they must hustle for business. Since Mr. Murray took control five thousand cars of sixty thousand pounds capacity and seven hundred and fifty new locomotives have been added to the equipment, and the shops of the system have been kept busy repairing locomotives and cars. It is no surprise to Mr. Noonan, under such conditions, that there was an increase in the company's business. Everything favored the Baltimore & Ohio in improvement of times and export business, which enabled it to use its three-cent differentials to great advantage.

### Scar-Faced Charley Dead.

SENECA, Mo., Dec. 10.—Scar Faced Charley, a noted Modoc chief, is dead, of consumption, on the Modoc reservation in Indian territory, four miles from here. He was a member of the conference with the United States committee, General Canby and others April 11, 1875, near the Lava beds in Oregon, at which time General Canby and Dr. Thomas were killed and Mr. Mechem and other commissioners wounded. It is said that Scar Faced Charley fired the shot that broke up the conference. The Modocs finally surrendered to General J. C. Loomis, June 1, 1873.

### Madagascar Insurrection.

PARIS, Dec. 10.—Advices received from Antananarivo, capital of the island of Madagascar, announce that the insurgents, during the night of November 18, looted Ambohimanga, ten miles from Antananarivo. The insurgents captured forty prisoners and a large number of cattle. The British residents had a narrow escape from being massacred.

### Lady Scott Ill.

LONDON, Dec. 10.—Lady Selina Scott, the principal defendant in the suit brought against her and three men by her son-in-law, Earl Russell, for criminal libel, is critically ill.

### Cook's Appetite.

"My sister and oldest brother have taken several bottles of Hood's Sarsaparilla with good results. My sister was so that she could eat hardly anything, but since taking Hood's Sarsaparilla she has a good appetite. We highly recommend this medicine." Harry Duncan, Oak Hill, W. Va.

Hood's Pills are the only pills to take with Hood's Sarsaparilla.

SOOTHING, and not irritating, strengthening, and not weakening, small, but effective—such are the qualities of DeWitt's Little Early Risers, the famous little pills. Charles R. Goetz, corner Tenth and Market streets; Bowle & Co., Bridgeport; Peabody & Son, Newwood.

Headache and Neuralgia cured by Dr. Miles' Pain Pills. "One cent a dose."

### ENGLISH PROTECTIONISTS.

The Conference in London—Mr. Lowther Says Sentiment Is Growing.

LONDON, Dec. 10.—The conference at St. James' Hall (so-day open to all favorable to the reform of the fiscal policy of Great Britain on protection lines, and called by James Lowther, M. P., who presided, was thinly attended. Those present included Lord Marham and Messrs. Howarth, Disraeli, Sanders and Seton Kerr, members of parliament.

Mr. Lowther in a long speech stated that there is a rapidly increasing sentiment in Great Britain that the nation's fiscal policy is radically wrong. The sultan of Turkey, he added, is the only ruler under heaven who has adopted the principles of the Cobden Club. Continuing, Mr. Lowther remarked: "Within a year the two greatest republics of the world have gone through remarkable changes."

The speaker then referred to the high character and great ability of President-elect McKinley, saying: "He would never have occupied his present position had not his name been associated with the most protective tariff ever framed in the United States. And the same can be said of M. Molne, (the French premier)."

### PEPPER'S FLOP.

For Selfish, Personal Political Purposes He Makes Platform of His Own.

KANSAS CITY, Mo., Dec. 9.—The Star prints the following from its Topeka correspondent:

United States Senator Pepper, who, until recently, has been a moderate protectionist, today publishes in his paper, the Topeka Advocate, a tariff platform that practically commits him to the tariff reform policy laid down by President Cleveland. He is driven to this expression by the hard fight which his opponents are making against his re-election.

The Advocate, in the course of a lengthy statement setting forth Senator Pepper's views, says: "He would lay high duties on all articles of luxury used only by the rich and fastidious, and he would admit free of duty all articles of every day use among the poorer classes of our people."

"For revenue he would substitute a graduated tax on landed estates and incomes. If the rich people are to run the country let them pay the taxes."

### STRONG OPPOSITION

To Holding the Inaugural Ball in the New Library Building.

WASHINGTON, D. C., Dec. 9.—Mr. Hanna and Representative Harmer, of Pennsylvania, who is a member of the committee on the library, had a talk today concerning the use of the new congressional library building for the inaugural ball. Mr. Hanna said that he was surprised at the opposition manifested against the proposal.

Mr. Harmer assured him that the entire committee was not opposed to it and Mr. Hanna suggested that a minority report be made so that Congress might vote on the question in case the majority of the committee reported against the ball. The library bill is the property of Congress and a special act would have to be passed to permit its use for a ball.

Mr. Quinn, of New York, a member of the committee, said that it would cost \$2,000 to remove the furniture and lay a floor suitable for dancing in the rotunda and he is opposed to the use of the building.

### Nurses for Cuban Wounded.

BUFFALO, N. Y., Dec. 9.—Leon M. Lynch, of Buffalo, and George Heath, of Waterbury, N. Y., professional nurses, left this city last night for Harrisburg, Pa., where they will be joined by Joseph Cox, of Youngstown, O., also a professional nurse. The party will then proceed to Havana for the purpose of establishing a hospital corps for the relief of the sick and wounded. Speaking of the expedition Mr. Lynch said: "Our sympathies naturally lie with the insurgent forces, and we intend to connect with the Cuban junta before leaving New York. If we find that we cannot reach the insurgent lines, we intend going straight to Havana and will try to secure permission from General Weyler to establish a field hospital and look after the sufferers on both sides."

### Consul General Lee.

NEW YORK.—Consul General Fitzhugh Lee was not welcomed as a passenger aboard the West line steamer Vigilance, which sailed to-day for Havana. The general manager of the line said that no communication had been received from General Lee directly or indirectly, regarding his return to Cuba. The next steamer for Havana leaves on Saturday.

### The "Divine Sara."

PARIS, Dec. 9.—There were 600 people present at the banquet given at the Grand Hotel this afternoon to Mme. Sara Bernhardt by her admirers. They included the leading artistic, literary and society people of the capital. The great French actress, who wore a cream satin dress and a green plush opera cloak, arrived at the hotel soon after noon, accompanied by Sardou, the dramatist, and entered amid the rapturous cheers of the crowd about the building.

### The Ideal Panacea.

James L. Francis, alderman, Chicago, says: "I regard Dr. King's New Discovery as an ideal panacea for coughs, colds and lung complaints, having used it in my family for the last five years, to the exclusion of physician's prescriptions or other preparations."

Rev. John Burgess, Keokuk, Iowa, writes: "I have been a member of the Methodist Episcopal church for fifty years or more, and have never found anything so beneficial, or that gave me such speedy relief as Dr. King's New Discovery. Try this ideal remedy immediately now. Trial bottles free at Logan Drug Company's drug store."

### Save Your Life

By using "The New Great South American Kidney Cure." This new remedy is a great surprise on account of its exceeding promptness in relieving pain in the kidneys, bladder and back in male or female. It relieves retention of water and pain in passing it almost immediately. Save yourselves by using this marvelous cure. Its use will prevent fatal consequences in almost all cases by its great alterative and healing powers. Sold by R. H. List, druggist, Wheeling, W. Va.

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